



US Army Corps
of Engineers
Seattle District

Special Public Notice

Regulatory Branch
Post Office Box 3755
Seattle, Washington 98124-3755
Telephone (206) 764-3495

Publication Date: 27 January 2005
Name: Acceptance of funds –
Snohomish County

The purpose of this Special Public Notice is to inform the general public that the Seattle District, U.S. Army Corps of Engineers (Seattle District) has decided to accept and expend funds contributed by Snohomish County, Washington. The funds will be used to expedite processing of this county's Department of the Army (DA) permit applications.

On July 2, 2002, the Seattle District Commander determined that acceptance and expenditure of such funds would be in accordance with Section 214 of the *Water Resources Development Act of 2000* (WRDA 2000, Public Law No. 106-541). The Memorandum documenting this decision appears as "Decision Memorandum II" under the Special Programs and Projects, Water Resources Development Act (WRDA) of 2000 link at the Seattle District's Internet Regulatory Home Page: <http://www.nws.usace.army.mil/reg.html>

The Seattle District has similar funding arrangements with the City of Seattle, the Port of Seattle, the Port of Tacoma, and King County.

A series of procedural safeguards has been adopted to ensure that use of the funds will not impact impartial decision-making, and they include the following:

- All final permit decisions for cases where these funds are used must be reviewed at least by one level above the decision maker, unless the decision maker is the District Commander. For example, if the decision maker is the Chief, Regulatory Branch, then the reviewer would be the Chief, Operations Division.
- All final permit decisions for cases where these funds are used will be made available on the Seattle District Regulatory web page.
- The Seattle District will not eliminate any procedures or decisions that would otherwise be required for that type of project and permit application under consideration.
- The Seattle District must comply with all applicable laws and regulations.
- Funds will only be expended to expedite the final decision on the permit application. Funds will not be expended for the review of the decision maker's decision. If contracts are used to develop decision documents, such decision documents must be drafts only and be reviewed and adopted by the Corps regulatory program employees, before the decision is made.

On March 15, 2002, the Seattle District circulated a Special Public Notice announcing our preliminary intent to accept and expend such funds, and stated that we had initiated funding discussions with Snohomish County. In that document, we stated our authority to accept and expend funds expired on September 30, 2003. On December 1, 2003, the Energy and Water Appropriations bill, H 2754 (Pub.L 108-137), was signed into law and Section 114 extended the sunset clause on Section 214 until September 30, 2005. Therefore, the authority to accept and expend funds from non-Federal public entities now expires on September 30, 2005, unless the date is extended. If extended, no additional special public notices will be published to extend the acceptance of funds of any of the existing agreements.

The March 2002 Special Public Notice also discussed the kind of activities for which funds would be expended, the safeguarding procedures which would be used to ensure that the funds will not impact impartial decision making, and solicited comments from the general public. It appears on the Internet, on our Regulatory Home Page as "Third Special Public Notice" under the link described above. This document similarly appears as "Acceptance of funds from Snohomish County - 2005" under the same link. Copies of any of these documents are also available from the Seattle District Regulatory Branch at the letterhead address.